7. (Thrice Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising administering to a warm-blooded animal in an amount effective to elicit or enhance said response a nucleic acid molecule or a viral vector wherein the nucleic acid molecule or the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a).

Please amend claim 8 to read as follows:

8. (Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising transfecting antigen presenting cells of a warm-blooded animal *ex vivo* with a nucleic acid molecule and subsequently delivering the transfected cells to the animal in an amount effective to elicit or enhance said response, wherein the nucleic acid molecule directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a).

Please amend claim 9 to read as follows:

9. (Amended) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising infecting antigen presenting cells of a warm-blooded animal *ex vivo* with a viral vector and subsequently delivering the infected cells to the animal in an amount effective to elicit or enhance said response, wherein the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a).

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 7-12 are pending in the subject application. Claims 7, 8 and 9 have been amended to increase the clarity of the claimed invention. Claims 8 and 9 have also been rewritten as independent claims, so as to no longer depend from claim 7. Claims 8 and 9 have been further amended to add the term "antigen presenting" to "cells". Support for the language is found, in part, at page 9, lines 15-16, of the subject application. The Examiner is thanked for the suggestion in the Office Action. No new matter has been added to the claims. Therefore, amended claims 7-12 are now pending.

In the Office Action dated August 15, 2001, claims 7-12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. This rejection is respectfully traversed.

With respect to claims 8 and 9, these claims have been rewritten in independent form, as set forth above. Therefore, the objection that the recitation of "cells" in claims 8 and 9 has no antecedent basis in claim 7 has now been rendered moot, since claims 8 and 9 no longer depend from claim 7.